



1624
Patent
45198.00008.RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Erion *et al.*

Serial No.: 09/518,501

Filed: March 3, 2000

Title: NOVEL PHOSPHORUS-CONTAINING
PRODRUGS

Group Art Unit: 1624

Examiner: McKenzie, T.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with Applicants' duty under 37 CFR 1.56, the following information is brought to the attention of the Examiner. The items are listed on the attached Form PTO/SB/08A and copies are enclosed for the convenience of the Examiner. Applicants respectfully request that the documents be made of record in the above-referenced application. Applicants also request that the Examiner return an initialed copy of the attached Form PTO/SB/08A with the next Official Action indicating that the documents have been considered.

The items identified in this Supplemental Information Disclosure Statement may or may not be "material" pursuant to 37 CFR 1.56 and the submission thereof by Applicants shall not be construed as an

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

12-16-03

01/02/2004 WASP 00000128 502613 09518501

01 FC:1806 180.00 DA

Kimberly Carraway
Name of Person Mailing Paper
Kimberly Carraway
Signature of Person Mailing Paper

Supplemental Information Disclosure Statement
Serial No.: 09/518,501
Page 2 of 2

admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR 1.97(h)), or even qualifies as "prior art" under 35 U.S.C. § 102 with respect to this invention unless specifically designated by Applicants as such.

The filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR 1.56, exists.

This Supplemental Information Disclosure Statement is being submitted under 37 CFR 1.97(c)(2). We believe a fee in the amount of \$180.00 to cover the fee pursuant to 37 CFR 1.17(p) is required.. The Commissioner is authorized to charge this and any additional fee, or to credit any overpayment, to Deposit Account No. **50-2613**.

Respectfully submitted,

Dated: 12/16/03

By: Diana L. Bush
Diana L. Bush, Ph.D.
Reg. No. 51,109

Paul, Hastings, Janofsky & Walker LLP
3579 Valley Centre Drive
San Diego, CA 92130
Direct Dial: (858) 720-2885
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Image

Patent
45198.00013.RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: Erion et al.

Serial No.: 09/518,501

Filed: March 3, 2000

**For: NOVEL PHOSPHORUS-
CONTAINING PRODRUGS**

)
) **Group Art Unit:** 1624

)
) **Examiner:** T. McKenzie

TRANSMITTAL LETTER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Supplemental Information Disclosure Statement;
- Form PTO/SB/08A;
- Fee Transmittal Form; and
- Return Postcard.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

12-16-03


Name of Person Mailing Paper

Signature of Person Mailing Paper

The Commissioner is authorized to charge any fee required, or to credit any overpayment, to our Deposit Account No. **50-2613**.

Respectfully submitted,

Dated: 12/16/03

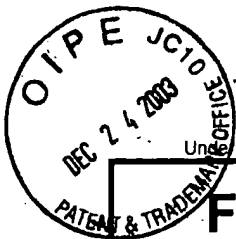
By: 
Diana L. Bush, Ph.D., Esq.
Reg. No. 51,109

PAUL, HASTINGS, JANOFSKY & WALKER LLP

3579 Valley Centre Drive
San Diego, CA 92130-2081

Phone: (858) 720-2500

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**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**750.00****Complete if Known**

Application Number	09/518,501
Filing Date	December 16, 2003
First Named Inventor	Erion et al.
Examiner Name	McKenzie, T.
Group Art Unit	1624
Attorney Docket No.	45198.00013.RCE

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-2613**

Deposit Account Name

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
-
- ☐
- Applicant claims small entity status. See 37 CFR 1.27

Charge fee(s)

- 2.
- ☒
- Indicated below:

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**0****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
1	-20** =	X	0
1	-3** =	X	0

Multiple Dependent

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	\$180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type) **Diana L. Bush, Ph.D., Esq.**Registration No. **51,109**
(Attorney/Agent)Telephone **(858) 720-2500**Signature *Diana L. Bush*Date **12/16/03****WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

1

Application Number

09/518.501

Filing Date

March 3, 2000

First Named Inventor

Erion et al.

Group Art Unit

1624

Examiner Name

T. McKenzie

Attorney Docket Number

45198.00013.RCE

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

NON PATENT LITERATURE DOCUMENTS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		FARQUHAR et al., "Synthesis and Antitumor Evaluation of Bis[pivaloyloxy)methyl] 2'-Deoxy-5-fluorouridine 5'-Monophosphate (FdUMP): A Strategy to Introduce Nucleotides into Cells," <u>J. Med. Chem.</u> , 37:3902-3909 (1994).	
		LEFEBVRE, et al., Mononucleotide Phosphotriester Derivatives with S-Acyl-2-thioethyl Bioreversible Phosphate-Protecting Groups: Intracellular Delivery of 3'-Azido-2',3'-dideoxythymidine 5'-Monophosphate," <u>J. Med. Chem.</u> , 38:3941-3950 (1995).	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation is not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.